

Message Text

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ACTION ARA-10

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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R 301815Z MAY 75

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 3449

INFO AMEMBASSY ROME

USMISSION USUN NEW YORK

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C O N F I D E N T I A L SANTIAGO 3598

EO 11652: GDS

TAGS: SHUM, PINS, CI

SUBJECT: CHURCH AND GOC HUMAN RIGHTS PRACTICES

REF: SANTIAGO 3443

1. SUMMARY: CHURCH EXPECTS SERGIO ZAMORA (REFTEL) TO LEAVE COUNTRY JUNE 3. CATHOLIC BISHOPS HAVE NOT YET DECIDED WHAT POSITION TO TAKE VIS-A-VIS GOC ON THIS AND OTHER HUMAN RIGHTS CASES, BUT COMMITTEE FOR PEACE HAS BROUGHT TO GOC'S ATTENTION EVIDENCE INDICATING SECURITY FORCES ARE NOT OBSERVING LIMITATIONS IMPOSED ON THEM BY NEW NATIONAL SECURITY LAW. END SUMMARY.

2. EMBOFF MAY 30 WAS GIVEN UPDATING ON ZAMORA CASE BY CARDINAL SILVA'S REPRESENTATIVE ON COMMITTEE FOR PEACE, WHO WAS PRESENT AT COMMITTEE DURING MAY 15 INCIDENT (REFTEL) AND HAS SINCE HAD CUSTODY OF ZAMORA. SAID PRESIDENT PINOCHET HAD TOLD CARDINAL ZAMORA WOULD BE ALLOWED TO GO INTO EXILE. SOURCE HAD BEEN IN TOUCH WITH GOC ON AUTHORIZATION FOR ZAMORA'S EXPULSION, HAD OBTAINED VISA FROM FRENCH EMBASSY (SANTIAGO 3503), AND WAS IN TOUCH WITH ICEM TO ARRANGE HIS DEPARTURE. ARRANGEMENTS WERE THEN HELD UP (THIS CONFIRMED BY FRENCH EMBASSY) WHEN UNDER-
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SECY INTERIOR MONTERO INSISTED ZAMORA BE RETURNED TO GOC

CUSTODY FOR USUAL PROCESSING AT TRES ALAMOS DETENTION CENTER. MONTERO GAVE PERSONAL ASSURANCE ZAMORA WOULD GO ONLY TO TRES ALAMOS, AND NOT TO DINA-CONTROLLED PART OF CENTER ("CUATRO ALAMOS"), WHERE, MONTERO SAID, "HE WOULD BE LOST." CHURCH REFUSED TO TURN ZAMORA OVER, WAS ASSURED INTERIOR MINISTRY EXPULSION DECREE WOULD BE ISSUED JUNE 2 AND HOPES TO GET HIM OUT OF COUNTRY JUNE 3 ON ICRC TRAVEL DOCUMENT.

3. ZAMORA IS IN GOOD HEALTH AND IS HIDDEN IN CHURCH INSTITUTION. SOURCE SUSPECTS DINA HAS TAILED HIM THERE, HOWEVER, AND IS CONCERNED THAT DINA AGENTS MIGHT TRY TO TAKE ZAMORA.

4. SOURCE THOUGHT CHURCH WOULD NOT DECIDE WHAT FURTHER ACTION TO TAKE, IF ANY, UNTIL ZAMORA WAS OUT OF COUNTRY. THOUGH CARDINAL THEN WOULD PRESS FOR REPLY TO BISHOPS' PRIVATE LETTER OF CRITICISM TO PINOCHET (PARA SEVEN, REFTEL). (COMMENT: SOURCE SAID LETTER ADDRESSED TWO POINTS: UNACCEPTABLE SACRIFICES IMPOSED ON CHILE'S POOR BY GOC ECONOMIC POLICY, AND "VERTICALITY" OF GOC STRUCTURE-- I.E., AUTHORITARIAN CHARACTER AND LACK OF PLURALISM. THIS IS MOST WE HAVE HEARD ABOUT BISHOPS' LETTER, WHICH HAS BEEN HELD VERY CLOSELY.)

5. PEACE COMMITTEE IN MEANTIME IS PRESSING GOC ON ARBITRARY DETENTION PROBLEM. COMMITTEE LEADERS MAY 28 PRESENTED JUSTICE MINISTER SCHWEITZER DOCUMENTED LIST OF 16 PERSONS WHO WERE DETAINED AFTER PROMULGATION OF NEW NATIONAL SECURITY DECREE (SANTIAGO 3084), WHOSE FAMILIES HAVE NOT BEEN INFORMED OF DETENTION AS REQUIRED, AND WHO HAVE BEEN HELD MORE THAN FIVE DAYS WITHOUT BEING RELEASED OR CHARGED BEFORE COURT. ALSO GAVE MINISTER DOCUMENTED LIST OF SOME 166 PERSONS WHO HAVE "DISAPPEARED" SINCE SEPTEMBER 1973 COUP, WITH REQUEST THAT THEY BE DECLARED LEGALLY DEAD SO HEIRS MAY SEEK BENEFITS TO WHICH THEY ARE ENTITLED. SOURCE SAID COMMITTEE GAVE COPY OF LATTER LIST TO NEW SUPREME COURT PRESIDENT EYZAGUIRRE, WHO ASSURED THEM CIVIL COURT SYSTEM WOULD APPOINT INVESTIGATING MAGISTRATE SHOULD GOC NOT ACT ON THEIR REQUEST.

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6. COMMENT: PEACE COMMITTEE AND DEFENSE LAWYERS HAVE NEVER BEEN ABLE TO GET A HANDLE ON PROBLEM OF PERSONS WHO "DISAPPEAR" BUT ON WHOM THERE IS EVIDENCE OF DETENTION BY SECURITY FORCES. STANDARD GOVERNMENT RESPONSE IS TO INDICATE IT HAS NO INFORMATION, SUGGEST PERSONS FLED ABROAD, ARE IN HIDING OR USING ASSUMED NAME, OR PERHAPS RAN OFF WITH PARAMOUR. NEW FACTOR IS CHANGE IN SUPREME COURT PRESIDENCY TO PERSON WHO APPEARS TO BE SOMEWHAT MORE INDEPENDENT THAN HIS

PREDECESSOR. IN AN INTERVIEW IN MAY 28 ISSUE OF NEWSWEEKLY
"ERCILLA," EYZAGUIRRE GENERALLY ACCEPTED PRESENT ROLE OF
CIVILIAN COURTS UNDER STATE OF SIEGE AS BEING IN CONFORMITY
WITH CHILEAN CONSTITUTIONAL PROVISIONS AND HISTORICAL
PRACTICE. HE DID, HOWEVER, STATE THAT, CONTRARY TO POSITION
OF ALL HIS COLLEAGUES ON THE COURT, HE BELIEVED SUPREME
COURT POSSESSES AND SHOULD EXERCISE SUPERVISION OVER MILITARY
TRIBUNALS.
POPPER

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